

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 1 and 3 have been amended for clarity.

The Examiner has rejected claims 1-4 and 6-8 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,588,015 to Eyer et al. The Examiner has further rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Eyer et al.

The Eyer et al. patent discloses a broadcast interactive digital radio. In this broadcasting system, tiers of service level are provided so that paying subscribers can skip some commercials while not-paying subscribers cannot skip the commercials (see Abstract). A user subscribes to a particular level of service, for example a free service or a premium service (col. 2, lines 44-46). In the free service, the user will have to listen to the commercials, while in the premium service he will be free of commercials (col. 2, lines 46-50 and col. 6, lines 57-61).

How this is realized is described in Eyer et al. at col. 2, lines 50-52, where it is explained that only the paying users will be provided with data which indicates access points for the program segments (these access points being used to know the beginnings and ends of at least the commercials). This same explanation is given with reference to Fig. 10 (see for instance col. 16, lines 37-39), where it is explained that the paying user (i.e. the "subscribers") are provided with additional access points which allow bypassing of the commercials. In other words, the non-

paying users are not provided with these additional access points. This means that the signals sent by the service provider to the user will depend on the kind of user to which the signals are sent. The paying users will be provided with complete signals (including timing of the commercials) while the non-paying users will be provided with incomplete signals (no timing of commercials).

In the subject invention, as claimed in claim 1, the means for selection of the particular event, e.g., the means that allow skipping commercials, is configured as a function of the subscription choice of the user. Hence, the service provider can send the same signal to all users, independently of the subscription chosen by the users.

Applicants submit that this is clearly different from Eyer et al. and simplifies the subscription method of Eyer et al. from the service provider's point of view.

Hence Applicants believe that the invention as claimed in claim 1, as well as in claims 2-6 which depend from claim 1, is patentable over Eyer et al.

Applicants further believe that claims 7 and 8, which relate to devices for implementing the method of claim 1, are also patentable over Eyer et al.

Applicants believe that this application, containing claims 1-8, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/  
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611